

अण्डमान तथा
Andaman And



सत्यमेव जयते

असाधारण

EXTRAORDINARY

प्राधिकार से प्रकाशित

Published by Authority

निकोबार राजपत्र
Nicobar Gazette

सं. 5, पोर्ट ब्लेयर, सोमवार, 9 जनवरी, 2006

No. 5, Port Blair, Monday, January 9, 2006

अण्डमान तथा निकोबार प्रशासन
ANDAMAN AND NICOBAR ADMINISTRATION
सचिवालय/SECRETARIAT

NOTIFICATION

Port Blair, dated the 9th January, 2006

No. 5/2006/F.No. 79-10/96-Labour.—Whereas draft of Andaman & Nicobar Islands Shops and Establishments Rules, 2005 was published as required by Section 34 (1) of the Andaman and Nicobar Islands Shops and Establishments Regulations, 2004 with the Andaman and Nicobar Administration's Notification in the Andaman and Nicobar Gazette Extraordinary issue No. 117 dated 7th July, 2005, inviting objections or suggestions from all persons likely to be affected thereby before the expiry of 45 days from the date of publication of the said Notification in the Official Gazette;

And whereas copies of the said Official Gazette were made available to the public on 7th July, 2005;

And whereas no objections or suggestions were received from the public on the said draft by the Administration;

Now, therefore, in exercise of the powers conferred by Section 34 of the Andaman and Nicobar Islands Shops and Establishments Regulations, 2004, the Lt. Governor (Administrator), A & N Islands hereby makes the following rules, namely:-

**Andaman and Nicobar Islands Shops And
Establishments Rules, 2005**

1. Short title and extent:- (1) These rules may be called the Andaman and Nicobar Islands Shops and Establishments Rules, 2005.

Short title, extent
and
commencement.

(2) They extend to the whole of the Union Territory of the Andaman and Nicobar Islands.

(3) They shall come into force on the date of their publication in the Official Gazette.

Definitions.

2. Definitions:-In these rules, unless there is anything repugnant in the subject or context —

(a) All other words and expressions used and not defined here in shall have the meaning respectively assigned to them under the Regulation;

(b) "Form" means a form appended to these rules;

(c) "Lt. Governor (Administrator)" means the Lt. Governor (Administrator) of the Union Territory of the Andaman and Nicobar Islands, appointed by the President of India under Article 239 of the Indian Constitution;

(d) "Regulation" means the Andaman and Nicobar Islands Shops and Establishments Regulation, 2004;

(e) "Section" means section of Regulation.

Registration of Establishments.

3. Form of submitting a statement, the fees and other particulars under Section 4 for Registration of Establishments:-

Within 30 days from the date on which the rules come into force, the occupier of establishment shall send to Registering Officer, a statement in Form A together with prescribed fees as prescribed in Schedule of the Regulation.

4. Manner of registering shops and establishments and form of registration certificate:- On receipt of the statement and the fees prescribed in Rule 3, the Registering Officer shall on being satisfied about the correctness of the statement in **Form-- A** shall issue a registration certificate in **Form-B** to the occupier of establishment or shop. The Registering Officer may issue a duplicate registration certificate on the request of the employer in the event of loss of original certificate.

Renewal of Registration.

5. Renewal of Registration Certificate:— (1) A Registration Certificate shall be renewed on completion of one year from the date of registration on payment of fee prescribed in column 4 of Schedule of the Regulation.

(2) Every application for renewal shall be made within 30 days of the expiry of the Registration Certificate originally granted or subsequently renewed.

6. Exhibition of Name Board of Establishment:- The name board of every establishment shall be in either English or Hindi and whenever other languages are also used, the version in such other languages shall be below the English/Hindi version, as the case may be.

7. Notice of Changes:— The employer shall intimate in **Form-C** any change in respect of any particulars furnished under sub-section (3) of section 4, within fifteen days after the change has taken place to the Registering Officer.

Weekly Holiday.

8. Weekly Holiday:—(1) Every establishment except as exempted under section 3 (2) of the Regulation shall remain closed on, and every person employed in such establishment shall be allowed a holiday for

rest on one day of a week. Accordingly the employer shall exhibit notice of holiday in **Form-D** in the conspicuous place of the establishment and a copy of notice mentioned in this rule shall be sent to the Registering Officer. Intimation of all changes in the notice made therein shall be sent immediately to the Registering Officer.

(2) The employer of the establishment as stated under section 3(2) of the Regulation shall allow a holiday for rest to the employees on any day of a week. Accordingly the employer shall exhibit notice of holiday in **Form – E** in the conspicuous place of the establishment and a copy of notice mentioned in this rule shall be sent to the Registering Officer. Intimation of all changes in the notice made therein shall be sent immediately to the Registering Officer.

(3) The employee in any residential hotel, restaurant, eating house, theatre or any place of public amusement or entertainment may be required to work in such establishment on such holiday, subject to the condition that in lieu thereof, a compensatory holiday with wages shall be allowed to such person within thirty days from the date of such holiday. Accordingly, the employer shall maintain register of compensatory holiday in **Form – F**.

9. Leave with wages, Sickness or Casual:-

Leave.

(1) Leave with wages:

Every employee who has become entitled to leave with wages under section 14 may apply in writing to the employer indicating in advance the date from and the period for which he would like to avail of this leave during the ensuing twelve months and no such leave would ordinarily be refused by the employer except for valid cause. In all other cases, the employee shall apply in writing ordinarily 15 days in advance and the employer shall pass his orders thereon not later than 7 days in advance on receipt of the application.

(2) Casual and Sick Leave:

(a) (i) Ordinarily, the previous permission of the employer for casual leave shall be obtained by the employee, but when this is not possible, the employer shall be informed in writing as soon as practicable for the grant of such leave. The employer shall record his orders on all such applications and shall retain them till the 31st March of the following year.

(ii) An employer, however, may refuse an application for the casual leave from an employee on grounds of exceptional pressure of work requiring his attendance on the day or days in respect of which casual leave has been asked for:

Provided that leave shall not be refused where it has been asked for on account of an accident causing physical injury to the employee, death in the family or sickness of the employee, his wife or child.

(iii) Where an application for casual leave is refused by the employer under clause (ii) above, the employer shall record his reason for refusal on the application, and shall grant equivalent leave on demand by the employee in the same calendar year.

(b) (i) No application from an employee for sickness leave shall be refused, but in any case, employer is not satisfied about the correctness of the assertion set out therein, the employer may either (i) require the employee to submit a medical certificate in respect thereof from a registered medical practitioner (ii) get the employee or the wife or the child of the employee as the case may be, examined at his (employer's) own expense by the registered medical practitioner (lady doctor in case of females) for the purpose of verifying the facts mentioned in the leave application and may grant or reject the application on the basis of the certificate of such medical practitioner.

(ii) Every such medical certificate shall be retained by the employer till 31st March of the following year.

Misconduct.

10. Acts and omissions constituting misconduct:— For the purpose of section 17, misconduct shall include the following acts and omissions on the part of an employee-

(a) willful insubordination or disobedience, whether or not in combination with another, of any lawful or reasonable order of a superior;

(b) going on an illegal strike or inciting, abetting or instigating or acting in furtherance thereof;

(c) willful slowing down in performance of work, or abetment, or instigation thereof;

(d) theft, fraud, misappropriation or dishonesty in connection with the employer's business or property;

(e) habitual absence without leave, over-staying the sanctioned leave without sufficient grounds, or proper and satisfactory explanation or habitual late attendance;

(f) commission of any act subversive of discipline or good behaviour on the premises of establishment, such as drunkenness, riotous, disorderly, or indecent behaviour, gambling or holding meeting without previous permission of the employer or taking or giving bribes or any illegal gratification whatsoever;

(g) habitual neglect of work or gross or habitual negligence;

(h) wilful damage to work in process or to any property of the establishment;

(i) Sexual Harassment: Unwelcome sexually determined behaviour, whether directly or by implication, such as (1) Physical contact and advances. (2) Demand or request for sexual favours (3) Sexually coloured remarks. (4) Showing pornography and (5) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

11. Maintenance of registers and records:—

Maintenance of registers and records.

(1) A register of wages shall be maintained by every employer at the work spot in Form – I.

(2) A wage-slip in Form – II shall be issued by every employer to every persons employed by him at least a day prior to the disbursement of wages.

(3) A muster roll shall be maintained by every employer at the work spot in Form – III and the attendance of each person employed in the establishment shall be recorded daily in that Form within three hours of the commencement of the work.

(4) Every employer shall maintain a register of Overtime in Form-IV.

(5) Every employer shall maintain register of leave in Form – V.

(6) Every employer shall maintain register of employees in Form – VI.

(7) Every employer shall maintain register regarding computation of cash value of the concessional sale of foodgrains in Form – VII.

The register, records and notices relating to any calendar year shall be preserved for 3 years from the date of last entry made in the concerned register.

12. Mode of payment of fees:— All fees payable under these Rules shall be paid through challan in favour of “Registering Officer of Shops and Establishments, Andaman and Nicobar islands” along with prescribed application and other particulars, if any.

Mode of payment of fees.

FORM A

(See Rule 3)

Statement Under Section 4

PART I

1. Name of the establishment, if any :
2. Postal address of the establishment :
3. Full name of the occupier or the employer :
[including his father's name]
4. Full name of manager, if any :
[including his father's name]
5. Category of the establishment, i.e. whether a :
shop, commercial establishment, residential
hotel, restaurant, eating house, theatre
6. Nature of business :

PART II

7. Name of members of employer's family :
working in the establishment, (state separately
the name of young person, if any)
8. Name of other persons occupying position of :
management or employees engaged in
confidential capacity
9. Total number of employees : Men, Women, Young Person
(state separately the number of men/women
and/or young person, if any)
10. Date on which the establishment commenced :
its work
11. I hereby declare that the details given above are correct to the best of my knowledge.

Date.....

Signature of occupier/employer

Note:- This statement shall be sent to the Registering Officer with such fees as are prescribed in Schedule of the Regulations.

FORM B

(See Rules 4 & 5)

Registration Certificate of Establishment

Name of the establishment, if any :

Name of the occupier/employer :

Postal address of the establishment :

Registration No. :

It is hereby certified that the establishment as mentioned herein has been registered in a

**under A & N Islands Shops and

Establishments Regulations, 2004 on this.....day of.....

Seal

**Registering Officer,
Shops and Establishments,
A & N Islands**

RENEWALS

Date of Renewal	From	To	Signature of the Registering Officer of Shops and Establishments with seal
1.			
2.			
3.			

**Here insert the category of establishment.

FORM C
(See Rule 7)
Notice of Change

1. Name of the establishment and/or name of occupier/employer
2. Full address
3. Registration Certificate No..... dated.....

To

The Registering Officer under the A & N Shops and Establishments, Regulations, 2004.

Notice is hereby given that the following change has taken place in respect of information relating to Part I of Form A which please note

- (a)
- (b)
- (c)

Signature of the occupier/employer

FORM D
[Rule 8 (1)]

Notice of holiday under Section 12 of the Andaman and Nicobar Islands Regulations, 2004.

Until further notice this shop/estt. shall remain entirely closed for full day on *
.....during each week.

Signature of the employer

Date

* Sunday, Monday or any other day of the week to be mentioned.

FORM F

[Rule 8 (3)]

Register of Compensatory Holidays

1. Sl. No.
2. Name of the employee/workman
3. Designation
4. Weekly rest days lost during the month (mention date & month)
5. Date of Compensatory Holiday given (mention date & month)
6. Remarks

FORM I

[Rule 11 (1)]

Register of Wages

Wages period from..... to..... Name of Establishment.....
.....Place.....

1. Sl. No.
2. Name of the Employee
3. Father's/Husband's Name
4. Designation
5. Minimum rate of wages payable (if applicable)
6. Rates of wages actually paid
7. Total attendance/units of work done
8. Overtime worked
9. Gross wages payable
10. Employee's contribution to P.F.
11. H.R.
12. Other deductions
13. Total deductions
14. Wages paid
15. Date of Payment
16. Signature or thumb impression of the employee

FORM II

[Rule 11 (2)]

Wage Slips

Name of Establishment:

Place:

1. Name of the employee with Father's/Husband's name
2. Designation
3. Wage period
4. Rate of wages payable and paid
5. Total attendance/unit of work done
6. Overtime wages
7. Gross wages payable
8. Total deductions
9. Net wages paid

Signature or thumb impression of the employee

Pay-in-charge.

FORM III

[Rule 11 (3)]

Muster Roll

Name of Establishment:

Place:

For the period ending

1. Sl. No.
2. Name of the employee
3. Father's/Husband's name
4. Sex
5. Nature of work
6. 1,2,3,4,5,6,7..... days in a month
7. Remarks

FORM IV
[Rule 11 (4)]
Register of Overtime

Name of Establishment :

Place:

For the period ending

1. Sl. No.
2. Name of the employee
3. Father's/Husband's name
4. Sex
5. Designation
6. Date on which overtime worked
7. Extent of overtime on each occasion
8. Total overtime worked or production in case of piece-workers
9. Normal hours
10. Normal rate
11. Overtime rate
12. Normal earning
13. Overtime earning.
14. Total earning
15. Date on which overtime payment made

FORM VI
[Rule 11 (6)]
Register of Employees

Name of Establishment :

Place:

1. Sl. No.
2. Name of the employee
3. Father's/Husband's name
4. Age and sex
5. Nature of employment
6. Home address of employee (Village, Thana & District)
7. Date of commencement of employment
8. Date of termination or leaving of employment
9. Signature or thumb impression of employee
10. Remarks

FORM VII

[Rule 11 (7)]

Register for computation of cash value of the concessional sale of foodgrains

1. Sl. No.
2. Name of the employee
3. Designation
4. Total quantity of foodgrains supplied
5. Retail price at the nearest market of the foodgrains supplied
6. Wages paid in cash
7. Total amount (Sl. No. 5 + Sl.No.6)
8. Date of payment
9. Signature or thumb impression of the employee

By order of the Lieutenant Governor,

Sd/-

(T. Venugopal),
Assistant Secretary (Labour).
(F.No.79-10/96-Lab)

FORM V
[See Rule 11 (5)]
Register of Leave

Name of Establishment.....

Date of Employment.....

Casual or sickness leave					Leave with wages					
Amount of leave requested	Date of application if any	Leave availed		Total leave availed	Date of Application	Whether application granted or refused fully or partly	Leave availed		Total leave availed	Total balance at the end of the year
		From	To				From	To		

FORM E

[See Rule 8 (2)]

Name of the Establishment :

Address:

The persons employed in the establishment shall be given a holiday on the day mentioned below in the week following the date of this notice and until further notice :-

Sl. No.	Name of employee	*Day on which Holiday allowed
(1)	(2)	(3)

*Sunday, Monday or any other day of the week to be mentioned in the column.

Date:

Signature of Employer or Occupier.